

**PUBLIC NOTICE
OF
NOTICE OF A TENTATIVE DECISION**

The Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), is hereby giving notice of this tentative decision to grant a variance from classification as solid waste for nickel and copper metal bearing waste water treatment sludge's that have been reclaimed and require additional reclamation to recover the metals. The materials are generated at Jarden Zinc Products, EPA I.D. No. TND 05-398-3862, P. O. Box 1890, Greenville, TN 37744-1890.

Jarden Zinc Products generates a nickel/copper bearing wastewater treatment sludge from an acid nickel/copper electroplating process. Jarden's sludge contains recoverable commercial quantities of nickel and copper metals that require additional reclamation beyond Jarden's initial reclamations activities to complete the metal recovery. The metal bearing sludge is purchased by a smelter for the additional reclamation. Jarden's material handling process activities substantiate that the materials are treated as "product" which has known commercial values and markets. Management of the materials is conducive to the protection of human health and the environment. Reclamation of the materials allows for the recovery and reuse of valuable commodities rather than disposal as a hazardous waste.

The procedures for determining that certain hazardous materials that are being recycled will no longer be classified as solid or hazardous wastes are provided in 40 CFR 260.30 as adopted by reference at Tennessee Rule 1200-1-11-.01(4)(b)(3) Variances from Classification as a Waste.

Copies of the variance request, DSWM's response and the Public Notice are available for public review at the Greeneville-Greene County Public Library, 210 North Main Street, Greeneville, TN (423-638-5034) and during normal business hours, 8:00 am to 4:30 pm, Monday through Friday, except legal holidays, at the Johnson City Environmental Field Office, Public Access Area, 2305 Silverdale Road, Johnson City, TN 37601; (423-854-5400).

Any interested person may obtain further information or submit written comments or request a public hearing on this proposal by contacting Mr. Joe Putnam, Compliance Support Section; Division of Solid Waste Management; TDEC; 5th Floor, L & C Tower, 401 Church St.; Nashville, TN 37243-1535; telephone (615) 532-0882; Fax (615) 532-0886; or e-mail Joe.Putnam@state.tn.us. **The comments must be received by 4:30 p.m. CST, November 17, 2007 to assure consideration.** After considering all public comments received, the DSWM Director will issue a final decision to either grant or deny the variance.

TDEC is committed to principles to equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator or the ADA Coordinator at 1-888-867-2757 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Persons who wish to be on DSWM's mailing list should request a Mailing List Request form by calling or writing: Public Participation Officer; Division of Solid Waste Management; TDEC; 5th Floor, L & C Tower; 401 Church St.; Nashville, TN 37243-1535; (615-532-0798); e-mail Solid.Waste@state.tn.us.

NOTICE ISSUED: October 18, 2007